

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS  
EAST ST. LOUIS**

ANTWON D. JENKINS,	)	
	)	
Plaintiff,	)	
	)	Case No. 21-CV-1371-JPG
v.	)	
	)	Jury trial requested
KENNY BENZING, et al.,	)	
	)	
Defendants.	)	

**DEFENDANT’S ANSWER TO PLAINTIFF’S AMENDED COMPLAINT**

NOW COMES Defendant, Bryan Carter, in his individual capacity only, by and through his attorneys, IFMK Law, Ltd., and hereby submits the following answer and affirmative defenses to Plaintiff’s Amended Complaint [Doc. 37] in accordance with this Court’s Administrative Order # 244:

1. After conducting a merit review of Plaintiff’s Complaint, the Court allowed Plaintiff to dismiss Doe Defendants, and add Sgt. Bryan Carter as a Defendant in this matter. The Court allowed Plaintiff to proceed on a single count, alleging that former Jail Administrator Kenny Benzing, and Sgt. Bryan Carter failed to protect Plaintiff from an inmate attack that occurred on November 11, 2012 even after Plaintiff advised these defendants of threats by his attackers on September 25, 2019, September 27, 2019, and October 16, 2019 in violation of Plaintiff’s Eighth or Fourteenth Amendment Rights. [Doc. 36].

2. Defendant Carter admits he was employed as a Sargent at the Marion County Jail during Plaintiff’s detention in the Marion County Jail in 2019, and remains employed in that capacity.

3. Defendant Carter denies that he failed to protect Plaintiff from the alleged inmate

attack that occurred on November 11, 2019.

4. Defendant Carter denies that he was aware or advised of specific threats received by Plaintiff from his attacker or attackers at any time before the alleged November 11, 2019 attack, including on September 25, 2019, September 27, 2019, and/or October 16, 2019.

5. Defendant Carter denies that he violated Plaintiff's Fourteenth Amendment rights.

6. Defendant Carter denies that he caused Plaintiff's injuries.

7. Defendant Carter denies Plaintiff is entitled to any of the relief he seeks in this action.

**AFFIRMATIVE DEFENSES:**

1. At all times relevant to Plaintiff's Complaint, Defendant Bryan Cater acted in good faith in the performance of his discretionary duties as a Sargent at the Marion County Jail without knowingly violating Plaintiff's clearly established rights. Defendant Carter is protected by qualified immunity.

**JURY DEMAND:**

Defendant Benzing requests a jury trial.

For these reasons, Defendant Carter requests this Court to deny the relief sought in Plaintiff's Complaint and order Plaintiff to pay Defendant's costs if Defendant prevails in this action.

Respectfully submitted,

BRYAN CARTER, in his individual capacity only,

By: s/Carla G. Tolbert

Carla G. Tolbert, ARDC # 6305104

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	)	
Defendants.	)	

**CERTIFICATE OF SERVICE**

I hereby certify that on October 16, 2023, I electronically filed this *Defendant Carter's Answer and Affirmative Defenses to Plaintiff's Amended Complaint* with the Clerk of the Court using the CM/ECF system, and I will send notification of such filing to the following non-registered participant:

Antwon D. Jenkins, #09778-025  
FCI Forest City Low  
P.O. Box 9000  
Forest City, AR 72336

via U.S. Mail by depositing same in a sealed envelope, proper postage prepaid and affixed thereon and placing same in the U.S. Mail receptacle located at 650 Dundee Road, Northbrook, IL, at or before the hour of 5:00 p.m. on October 16, 2023.

By: s/Carla G. Tolbert  
Carla G. Tolbert, #6305104  
Bhairav Radia, #6293600  
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